IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 19778 of 1999

Between:

P.V.L.Narasimha Raju S/o.Late P.V.L.Thimma Raju,

Resident of Opposite to S.B.I, Bheemunipatnam,

Visakhapatnam District.

..... PETITIONER

AND

The Commissioner,
Bheemunipatnam Municipality, Bheemunpatnam,
Visakhapatnam.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or direction more particularly one in the nature of *Writ of Mandamus* declaring the Proceedings issued in Roc. No. 2405/99-G1, 23-8-1999 of the respondent as illegal and arbitrary and consequently set aside the same.

Counsel for the Petitioner: MR. POLISETTI RADHAKRISHNA

Counsel for the Respondent: MR.S.NAGESWARA REDDY S.C. FOR MUNICIPALITIES

The Court made the following:

ORDER:

For declaring the action of the respondent in issuing the proceedings in

Roc.No.2405/99-G1, dated 23.08.1999 revoking the permission granted in B.A.No.78 of 1999, dated 19.05.1999 as arbitrary and illegal, the present writ petition has been filed.

2. The case of the petitioner is that he purchased an extent of 685.356 square meters of open site in T.S.No.442 of Bheemunipatnam, Visakhapatnam District under a Registered Sale deed from one Magunta Jitendra Das. Subsequent thereto, he applied for permission to construct a building in the said site and he was granted permission in B.A.No.78 of 1999 dated 19.05.1999 after collecting the open land tax and in pursuance of the said permission, he started construction of the building and 80 percent of the construction is completed. On 23.8.1999, the respondent herein issued a notice vide Roc.No.2405/99-G1, dated 23.08.1999, which was signed on 16.09.1999 revoking the permission granted earlier and directed the petitioner to approach the Director, S.A.D.A., Hyderabad to accord necessary approval. Challenging the said impugned order, the present writ petition has been filed.

3. Though the matter relates to the year 1999 and pending consideration for the past six years, the respondent has not evinced any interest to file a counter.

4. Heard the learned counsel for the petitioner and perused the material available on record.

5. The main grievance of the petitioner is that he was granted permission by the respondent after collecting requisite fee and in pursuance of the said permission, he started construction of the building and 80 percent of the construction is completed. At that stage, the respondent issued the impugned notice revoking the permission granted earlier.

6. Admittedly, the respondent after conducting enquiry and necessary formalities, granted permission to the petitioner for construction of the building, and in pursuance of the said permission granted, the petitioner made constructions and 80 per cent of the construction is completed. After lapse of nearly four months the

respondent issued the impugned notice stating that the area was notified under C.R.Z.I., which is contrary and against the principles of natural justice.

7. In that view of the matter, I am of the considered view that the issuance of the impugned notice is contrary to law and against the principles of natural justice and therefore, the impugned notice is liable to be set aside.

8. Accordingly, the writ petition is allowed and the impugned notice is hereby set aside. There shall be no order as to costs.

_____

(ELIPE DHARMA RAO, J)

Date: 21.07.2005

Ksn

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Commissioner,
Bheemunipatnam Municipality, Bheemunpatnam,
Visakhapatnam.

2. 2 CD copies

3. 1 CC to MR.SUDARSHAN REDDY

*Form-NIC-OGS/WP{**RAGHU**}*